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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,388	06/05/2001	Naozumi Jogo	Q64739	4587

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SUGHRUE, MION, ZINN
MACPEAK & SEAS
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Washington, DC 20037

EXAMINER

HARRISON, CHANTE E

ART UNIT PAPER NUMBER

2628

DATE MAILED: 03/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/873,388

Applicant(s)

JOGO, NAOZUMI

Examiner

Chante Harrison

Art Unit

2628

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 March 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.


**Kee M. Tung
Primary Examiner**

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues (pp. 3, Para 1) the pasteboard as taught by Venable does not adjust the size. In reply, Venable teaches the pasteboard is the frame into which objects are rendered. Venable also teaches the pasteboard has attributes that can be specified, such as relative size (col. 8, ll. 35-48). Venable additionally teaches, the aspect ratio is maintained for all modes, except the FITALL mode, which implies that the FITALL mode enables change of the rendered object size (col. 9, ll. 3-10). Applicant argues the fact that the Venable and Luo teach cropping images is not sufficient to justify combination of the references. It is the Examiner's interpretation that Venable teaches using a merge point and a control point relative to a child object to determine the best placement and order for combining child objects into a parent pasteboard (col. 13, ll. 1-5, 48-52; col. 9, ll. 40-55). Additionally, it is the Examiner's interpretation that Luo teaches determining the best placement of objects relative to a main subject in an image using a crop window to bound the most significant region (col. 2, ll. 50-67). Thus, both Venable and Luo teach placement of a pasteboard/frame/crop window relative to the most desirable portions of an image. Therefore, the teachings of similar art although by differing methods, is sufficient to justify the combination of the prior art. Applicant argues (pp. 4, Para 2) Venable's teaching of varying the height to width to maintain a constant ratio does not teach maintaining the shape of the crop boundary.

In reply, Venable's teaching the adjustment of height to width to maintain a constant ratio implies a relatively proportional adjustment which maintains the same visual proportions; and thus retains the shape while changing the size. Venable's Fig. 4 illustrates both a child object that fills the pasteboard/crop window having a size and shape relative to the parent object; and a child object rendered in the pasteboard to retain the ratio. The latter shows a child object of a reduced size having the same shape as the parent object. Therefore, Venable teaches adjusting size and maintaining a shape that corresponds to the frame/pasteboard of the parent.

Applicant argues (pp. 5, Para 2) the recited portions of Venable do not teach a crop boundary having a reference line which moves disposed therein. In reply, Venable teaches defining an image process that designates the placement of multiple objects in a pasteboard relative to one another and the attributes/transformations that are to be applied to the child objects (col. 12). Venable also teaches the pasteboard has attributes, i.e. modes, that specify the change in size to be applied to the child objects (Fig. 5). Venable illustrates in Fig. 5 that by changing the mode through user specification, the lines that bound the child object within the pasteboard are changed to define an area size and position of the child object within the pasteboard. Thus, the lines that bound the child object and move as the change in attribute is specified corresponds to the Applicant's claimed moving reference lines. For at least the reasons provided above claims 1-19 are not in condition for allowance.